

## **REMARKS**

### **I. Prosecution History**

In a First office action dated October 15, 2009 was issued that rejected claims 1, 3-20, 35, 36, 41 and 45-49 as being unpatentable over Anderson et al, in view of Jain et al and Wecker et al (US 6,289,464).

Applicant Ortiz contacted the Examiner on January 12, 2010 to discuss the application and new amendments. Applicant also informed Examiner of the following three patents related to the current application that have issued and should be considered in view of the proposed amendments: US 7,720,426, US 7,376,388, and US 7,149,549. Applicant Ortiz and Examiner agreed that the amended claims that were proposed should be submitted for consideration.

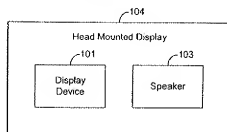
With the present paper, Claims , 4, 7, 8, 9, 10, 13, 14, 17, 18, 20, 45, 46, 48 and 49 have been amended. Claims 2, 6, 11, 12, 21-34, 37-44 and 50-56 are cancelled. Claims 35-36 remain withdrawn. Claims 4, 7-10, 13-14, 17-18, 20, 45-46 and 49 remain pending in the present application. Applicant now submits claim amendments and remarks with this paper and respectfully request reconsideration.

### **II. Discussion**

The references used for the 35 U.S.C. §103 rejection are based on Anderson, Jain and Weckert. Although the *Anderson et al* is used in sports venues but is not operated as a "hand held device" as defined by applicant's specification, and the device described in the *Anderson et al* reference is specifically referred to and taught as being a "head mounted display." The *Anderson et al* reference is in fact entitled "audio/video signal distribution system for Head Mounted displays." Jain teaches a desktop computer used for video editing that can view several video perspectives simultaneously. Neither Anderson nor Jain teach the use of a server. Anderson teaches an analog system with an interface device that conditions analog signals for broadcast to Anderson et al's head mounted displays. Jain does not teach connection to a wireless network. Wecker teaches wireless networks, but

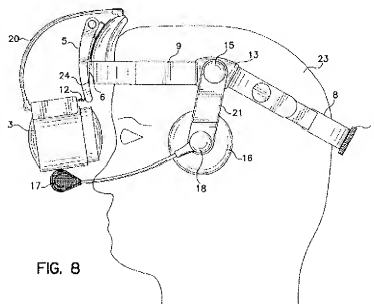
nothing more. No suggestion to use the wireless networks as taught by Wecker in combination with Anderson and also Jain exists in any of the references.

For more specific illustration, FIG. 4 copied from *Anderson et al* shows the device 104 as being a "Head Mounted Display."



**FIG. 4**

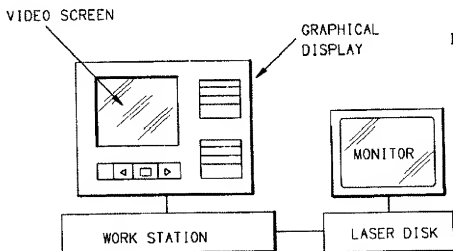
*Anderson et al* requires the user to mount a binocular-like device up to the user's eyes in order to view a video presentation. *Anderson et al* describes the head mounted display "HMD" 104 by referring to another well known "head mounted" device from the prior art. *Anderson et al* reference calls on support for a HMD into his specification by referring to U.S. Patent No. 5,844,656 entitled "Head Mounted Display with Adjustment Components" by *Ronzani et al*, which is specifically incorporated by reference in *Anderson et al* (i.e., see column 25, lines 25-30).



**FIG. 8**

One skilled in the art would not be motivated to view more than one video at a time as taught by the larger Jain system, within the smaller head mounted display taught in Anderson.

*Jain et al* describes the use of physically wired computer workstations to simultaneously view and edit video from more than one displayed video perspective at a time. As shown below in FIG. 3 copied from the *Jain et al* reference, workstations are intended for use on a desktop or workbench, would be connected by wires to power and a network, and by their very nature are not capable of being hand held and would not be useful to attendees at a live entertainment venue.



The *Jain et al* limitations are most apparent by observing Figures 3, 4 and 12 and reading the supporting text in the *Jain et al* specification. *Jain et al* does not hint or suggest at the use of workstations as hand held devices by users at an entertainment venue. Such use would clearly be impossible given a workstation's physical wiring and power requirements, and unbearable to a user given a workstation's weight and size. One skilled in the art would not be motivated to miniaturize the screen or user interface in Jain given its specific use for desk top editing of video. One skilled in the art would not want to make the Jain system portable or combine it with a hand held device to use in a crowded venue.

Realizing that more clarity may be necessary in their claims in order to distinguish their invention and overcome the cited art, Applicants have amended the independent claims 1, 18, 20 and 45. Applicants believe the amendments to claims 1, 18, 20 and 45 more specifically set forth the invention and overcome the 35 U.S.C. §103 rejection. As an example, Claim 1 provides a method for providing venue-based data to hand held devices, said method comprising the steps of:

capturing video images from more than one perspective of a venue-based activity using more than one video camera located at a sports and entertainment venue;

providing said video images to a **server** to process said more than one video perspective captured by more than one video camera into venue-based data formatted for wireless transmission via wireless data networks to more than one hand held device, each of said **more than one hand held device further comprising at least one of a personal digital assistant and a smart phone**, said more than one hand held device including at least one **802.11 wireless module** for access to a wireless local area network and a **cellular communications module for communication with a wireless cellular communications network**, said more than one hand held device further comprising **a touch-sensitive display screen to simultaneously and singularly display said venue-based data and to accept user input via said touch-sensitive display screen**; and

**retrieving said venue-based data from said server and wirelessly transmitting said venue-based data to at least one hand held device located at said sports and entertainment venue over said wireless local area network and also wirelessly transmitting said venue-based data to at least one hand held device located outside of said sports and entertainment venue over said wireless cellular communications network.**

One of ordinary skill in the art would not be able combine Wecker and *Jain et al* with *Anderson et al* to arrive at Applicants' invention as now more explicitly claimed. The cited art does not teach or suggest wirelessly transmitting venue-based data to at least one hand held device located at said sports and entertainment venue over said wireless local area network and also wirelessly transmitting said venue-based data to at least one hand held device located outside of said sports and entertainment venue over said wireless cellular communications

network. Furthermore, the cited art also does not teach or suggest the use or interaction with more than one hand held device further comprising at least one of a personal digital assistant and a smart phone, said more than one hand held device including at least one 802.11 wireless module for access to a wireless local area network and a cellular communications module for communication with a wireless cellular communications network.

The plain meaning of "hand held" is that a device is primarily designed to be used and operated while in a person's hand. Further, the plain meaning of "head mounted" is for a device to primarily function while mounted on a person's head. As such under the standard in *Thrift* the Anderson reference should not be given an unreasonably broad interpretation. The issue of whether the device is portable is not at issue. Rather, the question is whether the unit is handheld. Applicants have now made it explicitly clearer that the claimed hand held device is either a smart phone or personal digital assistant and includes a touch-sensitive display screen. Anderson does not teach or suggest, nor would it benefit or work with, a touch-sensitive display screen. Thus, the description of the device as head mounted in light of Applicants' amendments makes it clear and unambiguous evidence that it would now be an unreasonably broad interpretation of the Anderson reference to suggest it teaches a handheld device as claimed by Applicants.

### III. CONCLUSION

The current amendment of record should now make it much clearer to the Examiner where the nonobvious distinctions lay between Applicants' invention and the prior art of record.

Applicants therefore respectfully traverse the rejections of their remaining, amended claims and respectfully request reconsideration and early issuance of their application and claims.

Applicants encourage Examiner to contact the undersigned directly to discuss the amendments and remarks if it will advance prosecution of the application.

Respectfully submitted,

Date:

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Luis M. Ortiz  
Attorney and Applicant  
Attorney Registration No. 36,230  
Telephone: (505) 314-1311  
E-mail: lortiz@olpatentlaw.com